



CITY COUNCIL AGENDA REPORT

MEETING DATE: APRIL 5, 2011

ITEM NUMBER: **NB-1**

SUBJECT: AMENDMENT OF COSTA MESA MUNICIPAL CODE SECTION 2-101

DATE: MARCH 24, 2011

FROM: THOMAS P. DUARTE, CITY ATTORNEY

PRESENTATION BY: THOMAS HATCH, CEO

**FOR FURTHER INFORMATION CONTACT: THOMAS P. DUARTE, CITY ATTORNEY,
(714) 754-5399**

RECOMMENDATION:

Introduce and give first reading, and waive further reading, of an ordinance amending Section 2-101 of the Costa Mesa Municipal Code relating to the Assistant City Manager.

BACKGROUND:

At a previous meeting, the City Council gave first reading to Ordinance No. 11-3 revising Section 2-97 of the Costa Mesa Municipal Code to recognize that the City Manager is the Chief Executive Officer of the City. The motion by the City Council also included an amendment addressing the Assistant City Manager as Assistant Chief Executive Officer of the City. An amendment to Section 2-101 would effectuate the part of the motion relating to the Assistant City Manager as Assistant Chief Executive Officer.

ALTERNATIVES CONSIDERED:


The Council could choose not to amend Municipal Code section 2-101 or give direction to staff regarding alternative changes to be made.

FISCAL REVIEW:

There is no fiscal impact from this revision.

CONCLUSION:

The Council is requested to introduce, give first reading to, and waive further reading of the proposed Ordinance amending Costa Mesa Municipal Code section 2-101 or, in the alternative, to give direction to staff regarding further or different revisions to be brought forward.



THOMAS P. DUARTE
City Attorney



THOMAS HATCH
CEO

Attachments: 1 Ordinance No. 11-XX

ORDINANCE NO. 11-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
COSTA MESA AMENDING COSTA MESA MUNICIPAL
CODE SECTION 2-101.**

WHEREAS, the City Council has previously recognized that the City Manager is the Chief Executive Officer of the City of Costa Mesa; and

WHEREAS, the Costa Mesa Municipal Code should also identify the Assistant City Manager as the Assistant Chief Executive Officer of the City.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES
HEREBY ORDAIN AS FOLLOWS:**

Section 1. Section 2-101 of the Costa Mesa Municipal Code is hereby amended to read as follows:

Sec. 2-101. – Absence; manager pro tem.

In case of the absence or disability of the city manager/CEO, the assistant city manager shall act in his or her stead. If the assistant city manager is unable to act as manager, the city council may designate some duly qualified person to perform the duties of the city manager/CEO during the period of absence or disability of the city manager, subject, however, to said person furnishing a corporate surety bond conditioned on the faithful performance of the duties required to be performed as set forth herein. The assistant city manager is the assistant chief executive officer of the city and may be referred to as the assistant city manager or the Assistant CEO. All references in this code, adopted council resolutions or policies to the assistant city manager or to the City Assistant CEO shall refer to the assistant city manager.

Section 2. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law.

Section 4. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this ____ day of _____, 2011.

Gary Monahan
Mayor of the City of Costa Mesa

ATTEST:

Julie Folcik
City Clerk of the City of Costa Mesa

APPROVED AS TO FORM:

Thomas P. Duarte, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, Julie Folcik, City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 11-____ was introduced and considered section by section at a regular meeting of said City Council held on the ____ day of March 2011, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the ____ day of _____, 2011, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2011.

City Clerk and ex-officio Clerk of the
City Council of the City of Costa Mesa